

Workplan of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP)

Durban Platform for Enhanced Action (ADP)

On behalf of the Environmental Integrity Group (EIG, composed of Liechtenstein, Mexico, Monaco, the Republic of Korea and Switzerland), Switzerland is pleased to submit our views on the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP).

1. The ADP includes **two distinct elements**: a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties, and a workplan on enhancing mitigation ambition;

The workplan on mitigation ambition

2. The **workplan on enhancing mitigation ambition** shall identify and explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all Parties. It is our view that the timeframe of this workplan should initially focus on the period up to 2020 and then include the period post-2020. As it is broadly recognized, the current global level of ambition, as reflected in pledges by 2020, is insufficient in view of the ultimate objective of the Convention. An ambition level that meets recommendations from science must be achieved as soon as possible to keep the global temperature rise below 2 degrees Celsius. To this aim, the workplan should identify concrete options to increase mitigation action, deepen the technical understanding of these options and bring the adequate political attention to the issue, taking into account CBDR/RC and equity. It should commence with the in-session workshop at the first negotiating session in 2012 and further activities should be conducted in parallel to the negotiations under the ADP. The workplan on enhancing mitigation ambition should be informed by the outcomes of efforts carried out in any other relevant fora.

Process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties

3. The ADP also includes a process to develop a **protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties** (referred to hereafter as the "*future legal instrument*") which is to come into effect **from 2020**. Consequently, the process on the *future legal instrument* should focus on the period from 2020, without prejudice of the obligation not to defeat the object and purpose of the instrument prior to its entry into force. Meanwhile, in 2012, the AWG-LCA and AWG-KP are tasked to finalise their work and further strengthen the work under the Convention from 2012. Any unresolved issues from these two Ad Hoc Working Groups for the period before 2020 should then be addressed by the permanent SBs or newly established bodies under the Convention.
4. The work on the *future legal instrument* must **start with no delay in 2012** as a matter of urgency. It must complete its work as early as possible but no later than 2015 in order to

adopt the *future legal instrument* at COP21 (2015). An efficient, structured and smooth organisation of work is necessary for this to be achieved (*outlined below*).

5. In its work on the *future legal instrument*, the ADP should **build on the Convention, their relevant Decisions and the experiences gained in the course of their implementation**. Consequently, the organisation of work under the ADP should allow to draw from the experience gained by the evolving Cancun institutions (*outlined below*). Further, the ADP should be informed on the work under the AWG-LCA, the SBs, and the other relevant bodies and decisions under the Convention. To this aim, the EIG encourages periodic stock-taking sessions for the ADP by the Chairs of the respective bodies.
6. Furthermore, in its work on the *future legal instrument*, the ADP should **benefit from the experience gained under the Kyoto Protocol**. One strength of the Kyoto Protocol is its rigorous and robust ruled based system, including ex ante reporting and accounting rules. Such rules allow for transparency, functioning of market mechanism and for environmental and social standards. The EIG strongly supports the progressive establishment of a common, transparent accounting system under the Convention, that would take into account national circumstances. Such a common accounting system may be built in an incremental way in the period up to 2020. The ADP should build on the work of the AWG-LCA and other subsidiary bodies in view of a full common accounting system from 2020.

Organisation of work 2012-2015

7. The ADP is mandated to develop the *future legal instrument* in order for its adoption at COP21 (2015). Time must be used wisely in order to deliver by 2015 or earlier. It may be advisable to phase the negotiations over the four years regarding the mode of work and thematic focus (*outlined in following paragraphs and figure 1*). Consequently, it is important that the process for the development of the *future legal instrument* is organised as **one process** 2012-2015 rather on an annual basis. To this aim, a broad **plan 2012-2015 for the work** under the ADP needs to be agreed at its first session (May 2012, Bonn). Further guidance on the organisation of work under the ADP could be provided through decisions at COP18, COP19 and COP20, taking into account the progress achieved, if necessary.
8. Further, **continuity between chairs and vice-chairs** of the ADP must be ensured over the period 2012-2015. The COP18 should consider the various possibilities such as a rotation between the same chair and the vice-chair(s), taking into account the organisation of the work under the ADP over the four years.
9. The development of the *future legal instrument* may be facilitated through a **phasing of work** (*figure 1*). In a first phase in 2012 conceptual work may be undertaken ("**phase on concepts**") and a common understanding of the principles, the broad architecture and broad content of the *future legal instrument* may be elaborated. In a second phase 2013-2014, the negotiations may deepen in substance and be conducted on a textual basis ("**phase on content**"). As a third phase 2014-2015, the form of the future legal instrument may be finalised ("**phase on form**").
10. "**Phase focusing on concepts**" **2012**: Conceptual work may be undertaken on the principles, the broad architecture and broad content of the *future legal instrument* including at negotiation sessions, through workshops and submissions of Parties and relevant technical, social and economic information and expertise. Regarding the principles, particularly a common understanding on **CBDR/RC and equity**, and their operationalisation in the *future legal instrument* is needed, reflecting social and economic realities and national circumstances of the Parties. Thereby, the relevant work undertaken under the Convention (such as the workshop on equity) should be taken into consideration. On this basis, the work under the ADP should address the operationalisation of the principles in the context of the broad architecture of and specific commitments to be taken under the *future legal instrument*.

Regarding the **broad architecture**, a common understanding of the common bindingness with differentiation of commitments needs to be achieved. Regarding the **broad content**, a common understanding of the elements of the *future legal instrument* is necessary.

11. **“Phase focusing on content” 2013-2014:** The substance of the major elements of and respective commitments under the *future legal instrument* will be elaborated and draft negotiating texts prepared. The *future legal instrument* should build on the Convention including on the elements of the outcome of the Bali Action Plan agreed in decisions 1/CP.16, 1/CP.17 and X/CP.18, and any further strengthening in the period up to 2020. It should also consider the experiences gained from the operationalisation of the institutional arrangements and activities under the Convention. Also, the process should be informed on the experience gained under the Kyoto Protocol.
12. **“Phase focusing on form” 2014-2015:** The Durban package includes the development of the *future legal instrument*, the final form of which still is to be agreed. The EIG envisages a legally binding instrument under the Convention, and with a common bindingness on and the participation of all Parties, according to the differentiated responsibilities and capacities. In this context, the final form of the *future legal instrument* may crystallize along with the elaboration of its content and architecture. Therefore, negotiations on the form of the *future legal instrument* may be conducted in a third phase 2014-2015, when a common vision of the content and architecture of the *future legal instrument* have evolved and finalisation thereof will on the other side need a common vision of the form of the *future legal instrument*.

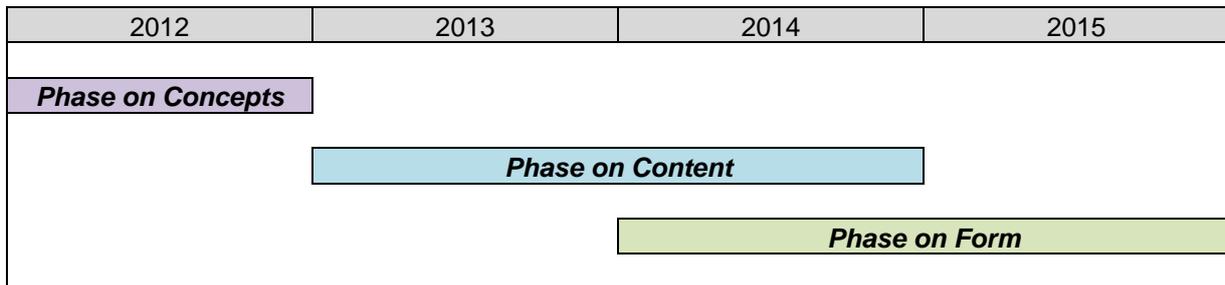


figure 1. Phasing of the work under the ADP 2012-2015 may facilitate the development of the future legal instrument.